

AMENDED IN ASSEMBLY MAY 5, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 850

Introduced by Assembly Member De La Torre

February 26, 2009

An act to amend Section 1090 of the Government Code, relating to conflicts of interest.

LEGISLATIVE COUNSEL'S DIGEST

AB 850, as amended, De La Torre. Conflicts of interest: contracts.

(1) Existing law prohibits Members of the Legislature and state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. A violation of this prohibition is a crime.

~~This bill would provide that in addition to the persons stated above, a party to a contract that is in violation of this prohibition is liable for a violation of this prohibition, including, but not limited to, persons who participate in a conspiracy to violate this prohibition.~~ *additionally prohibit a person from knowingly inducing another to, or participating in the commission of, a violation of the existing prohibition, or conspiring in a violation of the existing prohibition.* This bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1090 of the Government Code is amended
2 to read:

3 1090. (a) Members of the Legislature, state, county, district,
4 judicial district, and city officers or employees shall not be
5 financially interested in any contract made by them in their official
6 capacity, or by any body or board of which they are members. Nor
7 shall state, county, district, judicial district, and city officers or
8 employees be purchasers at any sale or vendors at any purchase
9 made by them in their official capacity.

10 (b) As used in this article, “district” means any agency of the
11 state formed pursuant to general law or special act, for the local
12 performance of governmental or proprietary functions within
13 limited boundaries.

14 ~~(c) In addition to the persons listed in subdivision (a), a party~~
15 ~~to a contract that is in violation of subdivision (a) is liable for a~~
16 ~~violation of this section, including, but not limited to, persons who~~
17 ~~participate in a conspiracy to violate this section.~~

18 (c) *No person shall knowingly induce another to, or participate*
19 *in the commission of, a violation of this section, or conspire with*
20 *a person subject to subdivision (a) to commit a violation of this*
21 *section.*

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.